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Kathleen J. Moore  
(Signature of person mailing correspondence)

Kathleen J. Moore  
(Typed name of person mailing correspondence)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|  |   |                          |
|--|---|--------------------------|
| In re Application of:                      | ] |                          |
| BRIAN ARTHUR CLARKE                        | ] | Group Art Unit:          |
|  | ] |                          |
| Serial No. 10/019,886                      | ] |                          |
|  | ] |                          |
| Filing Under 35 U.S.C. 371 in the DO/EO/US | ] | Examiner:                |
| off PCT/GB00/02503 filed 29 June 2000      | ] |                          |
|  | ] |                          |
| For: METHOD AND APPARATUS TO               | ] | Attorney Docket: 1-15615 |
| PROVIDE MARKING ON BREAD                   | ] |                          |

March 20, 2002

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231

## RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371

Honorable Sir:

In response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" dated March 13, 2002 (copy attached), enclosed is the fully executed Combined Declaration and Power of Attorney document.

Also enclosed is an Assignment document from the inventor to William Price and Sons Ltd. along with a check in the amount of \$170.00 to cover the requisite fees: \$130 surcharge for late filing of the Declaration and \$40 for recordation of the Assignment.

Please charge any additional fees due or credit any overpayment to Deposit Account No. 13-1816.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Donald A. Schurr', written over a horizontal line.

Donald A. Schurr  
Registration No. 34,247

ATTORNEYS  
MARSHALL & MELHORN, LLC  
Four SeaGate - 8th Floor  
Toledo, Ohio 43604

Phone: (419) 249-7149  
Fax: (419) 249-7151



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box 100  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

| U.S. APPLICATION NUMBER NO | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|----------------------------|-----------------------|------------------|
| 10/019,886                 | Brian Arthur CLARKE   | 1-15615          |

| INTERNATIONAL APPLICATION NO |
|------------------------------|
|------------------------------|

PCT/GB00/02503

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
|------------------|---------------|

06/29/2000

06/29/1999

Marshall & Melhorn  
Phillip S. Oberlin  
Four Seagate - 8th Floor  
Toledo, OH 43604

CONFIRMATION NO. 8804

371 FORMALITIES LETTER



\*OC00000007627369\*

Date Mailed: 03/13/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

COPY

DOCKETED

AR 20 2002  
BY *hm* FILE TO *B50*

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 305-3662

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO | INTERNATIONAL APPLICATION NO. | ATTY DOCKET NO |
|----------------------------|-------------------------------|----------------|
| 10/019,886                 | PCT/GB00/02503                | 1-15615        |

FORM PCT/DO/EO/905 (371 Formalities Notice)

Rec'd PCT TO 20 MAR 2002  
10/01988

PTO/SB/93 (10-96)  
Approved for use through 10/31/99. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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### Certificate under 37 CFR 1.10 of Mailing by "Express Mail"

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March 20, 2002

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*Kathleen J. Moore*

Signature of person mailing correspondence

Kathleen J. Moore

Typed or printed name of person mailing correspondence

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#### RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

U.S. Serial No. 10/019,886

Int'l Appln. No: PCT/GB00/02503 filed 29 June 2000

Priority Date Claimed: 29 June 1999

Title: Method and Apparatus to Provide Marking on Bread

Inventor: Brian Arthur Clarke

Assignee: William Price and Sons, Ltd.

Attorneys: Marshall & Melhorn, LLC

Attorney Docket No.: 1-15615

|  |  |   |  |  |  |
|--|--|---|--|--|--|
| FORM PTO-1390<br>(REV. 11-2000)  |  | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE |  | ATTORNEY'S DOCKET NUMBER<br>1-15615                          |  |
| TRANSMITTAL LETTER TO THE UNITED STATES<br>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br>CONCERNING A FILING UNDER 35 U.S.C. 371   |  |   |  | U.S. APPLICATION NO. (If known, see 37 CFR 1.5<br>10/019,886 |  |
| INTERNATIONAL APPLICATION NO.<br>PCT/GB00/02503  |  | INTERNATIONAL FILING DATE<br>29 June 2000 (29.06.00)    |  | PRIORITY DATE CLAIMED<br>29 June 1999 (29.06.99)             |  |
| TITLE OF INVENTION<br>METHOD AND APPARATUS TO PROVIDE MARKING ON BREAD   |  |   |  |  |  |
| APPLICANT(S) FOR DO/EO/US<br>BRIAN ARTHUR CLARKE   |  |   |  |  |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  |  |   |  |  |  |
| <p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 20px;">d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</p> <p>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information:<br/>Express Mail Certificate; Return Card; Copy of Notification of Missing Requirements Under 35 USC 371</p> |  |   |  |  |  |

10/019,886

PCT/GB00/02503

1-15615

21. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO ..... \$1040

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... \$890

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$740

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$710

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100

**ENTER APPROPRIATE BASIC FEE AMOUNT =****CALCULATIONS PTO USE ONLY**

\$ -

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130.00

| CLAIMS                                      | NUMBER FILED | NUMBER EXTRA | RATE     | \$        |
|---|--------------|--------------|----------|-----------|
| Total claims                                | - 20 =       |              | x 18.00  | \$ -      |
| Independent claims                          | - 3 =        |              | x 84.00  | \$ -      |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) |              |              | + 280.00 | \$ -      |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>        |              |              |          | \$ 130.00 |

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2. +

\$ -

**SUBTOTAL =**

\$ 130.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ -

**TOTAL NATIONAL FEE =**

\$ 130.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$ 40.00

**TOTAL FEES ENCLOSED =**

\$ 170.00

03/25/2002 MAIL 111 00000041 10019886

01 FC:154

130.00 OP

Amount to be  
refunded: \$

charged: \$

a. ☒ A check in the amount of \$ 170.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 13-1816. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card  
information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

MARSHALL &amp; MELHORN, LLC

PHILLIP S. OBERLIN

Four SeaGate - 8th Floor

Toledo, Ohio 43604

Phone: (419) 249-7149

Fax: (419) 249-7151

SIGNATURE

Donald A. Schurr

NAME

34,247

REGISTRATION NUMBER